

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEITH JAMES LINTZ, #889211,

Petitioner,

Case No. 18-cv-13053
Hon. Matthew F. Leitman

v.

WILLIS CHAPMAN,

Respondent.

/

ORDER REQUIRING SUPPLEMENTAL PLEADINGS

Petitioner Keith James Lintz is a state prisoner in the custody of the Michigan Department of Corrections. On September 28, 2018, Lintz filed a *pro se* petition for a writ of habeas corpus in this Court. (*See* Petition, ECF #1.) In the petition, Lintz challenges his state convictions for two counts of first-degree murder and possession of a firearm during the commission of a felony. The state trial court sentenced Lintz to life imprisonment without the possibility of parole on the murder convictions and a consecutive term of two years imprisonment on the felony firearm conviction. In the petition, Lintz raises claims concerning the removal of a witness from the prosecution's witness list and the effectiveness of his trial counsel. (*See id.*)

On April 5, 2019, Respondent filed a motion to dismiss the petition as untimely under the one-year statute of limitations applicable to federal habeas actions. (*See* Mot., ECF #8.) Lintz filed a response to the motion on May 3, 2019. (*See* Resp. Br., ECF #11.) In the response, Lintz asserts that he should be entitled to equitable tolling due to mailing delays involving his brother, the postal service, and the prison mailing system. (*See id.*) Lintz, however, has failed to cite any legal authority in support of his arguments. He has also failed to clearly explain how such delays precluded him from filing a timely petition in this Court. Accordingly, the Court **DIRECTS** Lintz to file a supplemental brief by no later than **August 20, 2019**. In this supplemental brief, Lintz shall identify cases in which courts have found equitable tolling on facts similar to those that exist here (or as close as possible to these facts). He shall also clearly explain how the delays precluded him from filing a timely habeas petition. Respondent may file a reply brief by no later than **September 20, 2019**.

IT IS SO ORDERED.

Dated: June 20, 2019

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 20, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager
(810) 341-9764